

Amendment No. 1 to HB3559

Eldridge  
Signature of Sponsor

**AMEND Senate Bill No. 2992\***

**House Bill No. 3559**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following as a new section thereto:

50-1-311.

(a) As used in this section:

(1) "Firearm" means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;

(2) "Person" means an individual, partnership, firm, association, corporation, or nonprofit organization;

(3) "Private employer" means a person that employs or offers to employ one (1) or more individuals in this state;

(4) "Public employer" means:

(A) The state or a political subdivision of the state; and

(B) Any department, agency, board, commission, institution, authority, or other instrumentality of, or established by, the state or a political subdivision of the state, including any other separate local government entity that may sue or be sued;

(5) "Public official" means:

(A) An elected or appointed official in the executive, legislative, or judicial branch of the state or any political subdivision of the state, including but not limited to, members of boards, committees,

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commissions, authorities, and other instrumentalities of, or established by, the state or a political subdivision of the state; and

(B) An individual employed by a public employer, whether in a temporary or permanent position.

(b) No public employer or official or private employer doing business in this state shall:

(1) Require an applicant for employment or an employee to disclose information concerning the applicant's or employee's ownership, possession, storage, use, or transportation of a firearm or ammunition, unless the requirement to disclose is relevant to the duties that the individual will have, or has, in the individual's employment and such duties include the possession, use or transportation of a firearm or ammunition; or

(2) Condition employment, or any rights, benefits, privileges, or opportunities offered by such employment, upon an agreement by the applicant for employment or the employee that the applicant or employee will forego the:

(A) Rights of the applicant or employee under this section; or

(B) Otherwise lawful ownership, possession, storage, transportation, or use of a firearm or ammunition.

(c)

(1) An individual aggrieved by a violation of subsection (b) may bring a civil action against a public employer or official or private employer that is alleged to have violated subsection (b) relative to that individual.

(2) If the individual prevails against the public employer or official or private employer in the civil action brought pursuant to subdivision (c)(1), then the court may:

(A) Award:

(i) Economic and noneconomic damages as provided in title 29, chapter 39;

(ii) Costs and reasonable attorney fees; and

(iii) In the case of a knowing and willful violation, exemplary or punitive damages to the individual as provided in title 29, chapter 39; and

(B) Enjoin further violations of this section.

(3) Immunity under title 29, chapter 20, does not apply to civil actions brought against a public employer or public official pursuant to this section.

(d)

(1) Notwithstanding subsection (b), this section does not prohibit a public employer or official or private employer from:

(A) Regulating or prohibiting the possession, storage, use or transportation of a firearm or ammunition:

(i) By an employee during and in the course of the duties of the employee on behalf of the employer or while on the property of the employer; or

(ii) In accordance with federal law; or

(B) Enforcing a regulation or prohibition adopted under subdivision (d)(1)(A); provided, however, a regulation or prohibition adopted under subdivision (d)(1)(A) shall not apply to a firearm or ammunition:

(i) Stored in a locked motor vehicle that does not belong to the employer, but does belong to an applicant for employment or

employee who possesses a valid handgun carry permit authorized by § 39-17-1351 in a manner that the firearm is not visible from outside the motor vehicle; or

(ii) Transported by an applicant for employment or employee in accordance with § 39-17-1307(e).

(2) The prohibition against enforcing a regulation or prohibition by subdivision (d)(1)(B) shall not apply if the regulation or prohibition is required by federal law.

(e) No public employer or official or private employer shall be held liable in any civil action for damages, injuries, or death resulting from, or arising out of, another person's actions involving a firearm or ammunition including, but not limited to, the theft of a firearm or ammunition from an applicant's or employee's motor vehicle on the property of the employer or the failure to require disclosure from an applicant or employee concerning a firearm or ammunition if the employer's or official's action or failure to act was due to the employer's or official's compliance with this section.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.